

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRIAN MARMULSTEIN,

Petitioner,

vs

9:05-CV-230

WILLIAM PHILLIPS, Superintendent of Green
Haven Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

BRIAN MARMULSTEIN

Plaintiff, Pro Se

02-A-2964

Coxsackie Correctional Facility

Box 999

Coxsackie, NY 12051

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Defendants

Department of Law

The Capitol

Albany, New York 12224

STEVEN H. SCHWARTZ, ESQ.

Asst. Attorney General

HON. DAVID N. HURD

United States District Judge

DECISION and ORDER

Petitioner, Brian Marmulstein, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, with an amended petition being filed on April 21, 2005, seeking federal habeas relief. By Report-Recommendation dated January 19, 2007, the Honorable David R. Homer, United States Magistrate Judge, recommended that the

amended petition for a writ of habeas corpus be denied and dismissed in all respects. There have been no objections to the Report-Recommendation.

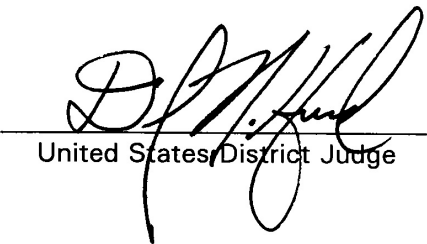
Accordingly, it is

ORDERED that the amended petition for a writ of habeas corpus is DENIED and DISMISSED in all respects.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: March 14 , 2007
Utica, New York.



United States District Judge